PRESERVED

Pkgs 1 – 36

App. F. IX-4

Previous References

1936 ?
(F.)

File No. 209-36

Serial Nos. 1 & 5

Letter References

M.D. 211-37 (1-7)
G.F. 394-39 (127)

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Misc P 221-E

Part B for October 1938

SUBJECT.

Agreement between the Government of Hungary for a Clearing Scheme.

P(S)

To The Comptroller & A.G.
" Hungarian Commercial Rep.
No. F 2188-9 & 11 10/38

W.M. 12/11/38
5/11/38

Copy to Hungarian Rep.

WD 0296—GPB—22,500—28-8-37

G.7 209-36

FINANCIAL
2754
1 FEB. 1937

In reply please quote reference to No. 1893 /SL

Encls. 2

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

Bangalore, dated 28th January 1937.

FINANCIAL No.

FROM

A. N. RAGHAVACHAR, ESQ., M.A.,
Comptroller to the Government of His Highness the Maharaja of Mysore,
Bangalore.

To

Rajaseva Nipuna
S. Shamanna, Esq., B.A.,
Financial Secretary to the Govt. of Mysore,
Bangalore.

SIR,

I have the honor to state that an endowment offered by Mr. Kesaghattada Venkatanarasappa in the shape of Policy for Rs 1000/- of the Sun Life Assurance Society of London was accepted by the Muzrai Commissioner in his order No. R Dis 125/24-25 dated 31-12-24 for the performance of certain sevas in the Sri Srikanteswara Swami Temple at Nanjangud. No agreement seems to have been taken in this case at the time of acceptance of the endowment as required in Rule IV of Article 209 of Mysore Civil Account Code Volume I and as per Government Order No. 2089-98/Muz 215-13-3 dated 13-2-1914. When the amount of the Policy subsequently fell due for payment after the death of donor in 1932, it was kept under "Endowments" as a Charitable Deposit as per Muzrai Commissioner's Order No. R Dis 187/33-34 dated 4-4-34 (enclosed). The bill for the interest due on this endowment was returned unaudited with this office Memo. No. 1327/SL dated 9-12-36 to the Deputy Commissioner, Mysore for the reason that an agreement was not executed as per rules in this case. On the recommendation of Deputy Commissioner, Mysore District, the Muzrai Commissioner has sent a revised order No. R. Dis 112/36-37 dated 9-1-37 (enclosed) approving of the recommendation of the Deputy Commissioner dispensing with the execution of an agreement in this case. The rules now in force have not provided for such a contingency and a doubt is felt

✓

2.

I | whether an agreement in such cases of deceased dōnors should not be obtained from the legal heirs of the deceased.

II | Orders are also solicited whether the authorities empowered to accept charitable endowments, viz the Muzrai Commissioner and the Director of Public Instruction can also exercise the power to dispense with the execution of the agreements of the kind referred to above.

I request that early orders of Government may be obtained as to the action to be taken by this office in such cases. The bill in question for interest due has been provisionally passed.

I have the honor to be,
Sir,
Your most obedient servant,

Comptroller.

PA

Ok

Points for orders I & II above.

I | Necessity for an Agreement from the legal heirs of a deceased donor.

Note (iv) to Art. 209 P.C.A.C. Vol I which stipulates the execution of an Agreement would appear to indicate at best a lay taken than a legal precaution for purposes of devoting the interest in consonance with the donor's intentions. The legal aspect possibly ends with the donor when he conveys the amount for all times. If this views is Correct & if it is not possible to obtain an agreement from the legal heirs of a deceased donor, the Agreement may be dispensed with.

II | The Comptr does not state who receives the

Agreement for a Charitable Endowment.

2754 B '13.

General and Revenue Secretariat | G.F. File No: 209 of 1936. | [App. F. III—2

Serial No.

without a where there are legal heirs of the deceased. Existence on Agreement will be found rather inconvenient in practice if, for instance, a legal heir, ~~Could~~ be found in a person who has taken out a probate from a Court of Law ~~Court~~ for purpose of this Agreement, ie, when there is no other stake worth the Candle. Law Section may be Consulted.

4 Such Case will be rare & it is perhaps not necessary to indicate a general line of action to be Complt. He may be requested to obtain orders of Govt.

II. 5 This power of dispensing with Agreement does not perhaps arise. The Agreement is required by the Act Code, and any departure therefrom Could only be sanctioned by Govt.

6 Subject to orders.

~~The Secretary to Govt. Public Works Department~~

7 He Secy

8 Information as to who is authorised to draw the interest and incur the expenditure on account of (a Govt officer or a private party) sevas, and whether the ~~receipt of~~ interest and the expenditure therefrom will be classified under "Muzrai Funds", may kindly be obtained and furnished.

Comptroller with compliments

1972/82

COMPTROLLER'S OFFICE 29 MAR 1937 BANGALORE

NOTE—Contd. on next page.

WD 0417—GPB—30,000—8-9-36

Agreement for a Charitable Endowment

2754/34

G.S.—File No. 209 of 1936

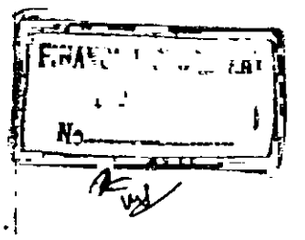
General and Revenue Secretariat

Serial No.

G O No 2570/3d Dated 14-4-37
No. 906/Spl dated 14-4-37

9 Returned with compliments.

10 The Muzrai Commissioner has intimated that the Amildar, Nanjangud Taluk, is authorised to draw the interest and incur expenditure on account of ~~of~~ the Sevas, and that the interest -- amount will be credited to the Funds of the temple "Muzrai Funds (a) Institution Funds", at the - - - Nanjangud Taluk Treasury in the first instance - and the expenditure incurred for the sevas drawn on a separate bill by the Amildar.



Comptroller.

The Financial Secretary with compliments.

Repn - Para 8

12 The form of document to be executed by persons making deposits under the rules for Charitable Endowments (Vide Appendix XVIII Mysore Civil Account Code Volume I Appendixes and Forms) consists of two portions, viz.,

(1) An undertaking not to withdraw or demand the whole or any part of the said deposit, at any time; and

(2) An undertaking to utilise the interest allowed by Government for the purpose intended, to keep proper accounts of it, and render the prescribed accounts and report etc.

13 This form will be suitable only in cases where interest is paid to the donor himself for being utilised for the

6145/36 Agreement for a charitable endowment. 2754 ...

Serial No.

purpose for which it was intended. In the present case, where interest is not paid to the donor or his heirs but paid to the Amildar of the Taluk for being spent for sevas in a Muzrai Institution, the necessit for the second portion is not clear. It is obviousl not necessary for the donor to give it as he does not draw the interest and it seems to be not necessary or usual to ask the Amildar or other Government Officer to give it, as he is our own servant and fully under our control. It is perhaps to be dispensed with altogether in such a case.

14 The only point for consideration in this case is whether an undertaking has to be obtained now from the donor's heirs with regard to (1) - now that that the donor is dead - and whether it cannot be dispensed with.

15 The Law Department may be consulted on this point.

16 R 2614/W

Law Deptt

Law 19/4 27.4

17 One M.Y. Venkatanarasappa is reported to have offered an Endowment, in the ~~shape~~ shape of Life Insurance Policy, for Rs 1000/-, for the performance of Certain Sevas in the Sri Srikanteswara Swami

NOTE—Contn. Sheet.

WD 0417--GPB—30,000-8-9-36

6745

60 Agreement for a Charitable Endowment

File No. of 193 | General and Revenue Secretariat

Serial No.

Temple at Nanjangud, which was accepted by the Mys: Commr. It is reported that no agreement was taken at the time of the acceptance of the Endowment as required by Rule IV of Article 209 Mysore Civil Account Code Vol: I. ~~which~~ which provides that the person making the pious endowment should execute an ~~document~~ undertaking:-

(i) Not to demand at any time the whole or any portion of the sum deposited.

(ii) Not to use the interest payable by Govt. for any purpose other than the one specified

(iii) to render accounts.

Now the donor is reported to have breathed his last, ~~and~~ Legal opinion is sought whether an undertaking has to be obtained from the donor's heirs.

1) Submitted.

28/4

2) Please put up the Volume of the Mysore Civil Account Code containing Appendices XVIII and XIX.

10 XR 29-4

3) Submit with the above.

30/4

Agreement under Charitable Endowments Scheme

General and Revenue Secretariat | G. File No. 209 of 1936.. | [App. F. III—2

Serial No.

21 As a measure of safety, an agreement from the donor's heirs may be taken. But I do not think it is absolutely necessary in this case. The donor died in 1932, the amount has been realised and kept in deposit. So far no trouble has come from the donor's heirs, and it is unlikely that troubles will arise hereafter

BXR 11.5.37

Fin. Sec.)
Perm. Para 15
Draft Extract.
7E Secy) 23 MW 14/5
14/5

Submitted with a typed draft. 25
DD/S 19/5/37

9.6 20/5
27 Issue MW 20/5

No 7E 7145 & 29.5.37 to the Complete
honorary copy of the legal opinion & orders
for an examination of another bond.

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

File No. 4598/R of 193 | General and Revenue Secretariat

4124 S.A. No. 1114/Spl dated 23-6-37

Serial No.

29 Returned with compliments

30 In cases in which Government officers are authorised to draw interest and spend the amounts drawn, that part of the agreement referred to in the second portion of letter No. Fl 7145/G.F. 209-36-2 dated 29th May 1937, viz undertaking to utilise the interest and to keep proper accounts may be dispensed with. In such cases specific -- authority permitting Government to draw and spend interest may, perhaps, be obtained from the donors ab initio.

FINANCIAL SECRETARY 23 JUN No.

31 In the two particular cases referred to, viz that of Kesaghattada Venkatanarasappa (Vide letter No-Fl 7145/G.F. 209-36-2 dated 26/29-5-37) and that of Sri Biredevaru temple (referred to overleaf) formal orders may be kindly issued waiving the -- execution of agreements.

5 Para 8. para 28.

Comptroller.

22/22/6

Subdo. with a draft G.O for approval or other orders.

18/17

P.E.O

C.R. 209-36-2

Page 8 Zone

GENL. & REV. SECRETARIAT 1122 20 MAY 1937

In reply please quote reference to No. 2907/122

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Bangalore, dated 18th May *193*7

FINANCIAL BRANCH 4598 29 MAY 1937 GENL. & REV. SECTT.

FROM

A. N. RAGHAVACHAR, ESQ., M.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

GENL. SECRETARIAT 19 MAY 1937

Rajasevanipuna
S. Shamanna, Esq., B.A.,
Financial Secretary to the Govt. of Mysore
Bangalore.

SIR,

D 2752

In continuation of this office letter No.1893/S.L. dated 28-1-37 soliciting orders of Government regarding the waiving of the execution of agreement in respect of the endowment offered by Mr. Kesaghattada Venkata Narasappa, I have the honor to invite kind -- reference to Government Order 1777-79/Muz 288-35-2 dated 25-6-36 sanctioning the recommendation of the Muzrai Commissioner in the matter of accepting the sum of Rs 6,300/- out of the funds of Sri Biredevaru temple at Davangere under the Charitable Endowment rules for the benefit of the institution and to state that the Muzrai Commissioner was requested to intimate in this connection as to who should execute the agreement required as per rules in this connection. I enclose herein copy of his reply letter No.D2 Dis 874/36-37 dated 7/10-5-37 stating that the execution of an agreement in this case is neither possible nor necessary. As the rules now in force have not provided for dispensing with the execution of agreements in such cases as a matter of course and a doubt is also felt whether the Muzrai Commissioner can exercise this power, I report the matter to Government for orders.

I have the honor to be,
Sir,
Your most obedient servant,

A. N. Raghavachar
Comptroller.

Reference is invited to letter no. FD 7145 8 29.5.37 issued (vide file placed below) Forwarded with Compliments to the Comptroller for kindly stating if further orders are necessary.

B.O.
K. Venkatachar
for Fl: Secy

COMPTROLLER'S OFFICE 1092/S&L 2 JUN 1937 BANGALORE

2460/82 D/6

2.6.37

1467/37 P

4-9-37

Disposing with Agreement required under Charitable Endowment Rules

General and Revenue Secretariat | File No. | of 193 | (App. F. III–2

110

Serial No.

Repn. Paras 29-6-37

33 A draft is put up in reference to Para 31. When two Cases are clear & this draft may perhaps be approved for issue.

A

34 As regards the general question raised in para 30 & in our letter of 29-5-37, it will be further examined in view of this draft & in consultation with the Law Dept. Vide opinion at Para 21. This is besides a matter of moment involving perhaps law & also an amendment of Accts Code.

B

Sk 24/8/37

H. Sect.) 25

KL.

A-B. These are not really two different matters. Law dept may give its opinion on the point raised. & then instns may issue together.

SK 28.8.37.

Two

37 Asst. Sect., Law, with comments.

SK 1-9-37.

36 The Volume referred to in Para 19 supra may be put up

Fin: Branch) BKR 29.3)

18/

Law

BKR 2.9

N.C.A.C. Vols App. & Forms is put up. Law Books may kindly be returned early as it is required for reference often SK 8/9.

NOTE—Contin. Sheet.

Serial No.

39 In cases in which interest is not paid to the donor or his heirs, but is spent by Government through its officers, the Comptroller is also agreeable to the deletion of those parts of the agreement which relate to the undertaking by the donor to utilise the interest and keep proper accounts. Undertakings numbered as (1) to (4) in the form of the document (Appendix XVIII. Page 200, M.C.A.C. Vol I, Appendices and Forms) therefore become unnecessary. As a consequential change the words 'or any interest payable by Government on the said amount of deposit' may be added between the words 'Rs.-----' and 'at any time'.

40 The Comptroller suggests that in such cases specific authority permitting Government to draw and spend interest may perhaps be obtained from the donor. I agree that it is desirable to have a clause to that effect incorporated in the document, and I accordingly suggest that in place where undertaking (1) now exists the following may be added " to agree that Government or any of their officers duly authorised in that behalf, may draw and apply the interest payable on the

1467 4598 Dc 12

General and Revenue Secretariat | File No. | of 19 | [App. F. III—2

Serial No.

Paid amount of deposit for the officer named above"

NOR 9.10.37)

Asst Secy Fin-Rev WC

Forwarded copies Compliments to the Comptroller for perusing the legal opinion & proposing suitable amendments to M.C.A.C Vol I, so as to cover the Case under discussion

B.O.

S.R. Janakiraman
for Secy to Govt.

No. 1198 S.L. / Encl. one. / D. 25-11-37

1. No. 431/Spl dated 26-11-1937

Returned with compliments.

(2) The legal opinion re. modification of the agreement to suit the case in question has been perused.

(3) A draft of the Addenda and Corrigenda proposed to be issued is put up and the same will be issued after approval of Government is communicated.

(4) It may be stated in this connection that Article 209 (IV) of M.C.A.C. Vol.I contemplates cases where deposits or endowments can be accepted subject to all the three conditions (a), (b) & (c) noted therein.

COMPTROLLER'S OFFICE, BANGALORE
19. OCT. 1937
330 S L & C.
S.L.C. SECTION.

FINANCIAL SECRETARY
2 NOV.
No.

NOTE—Contn. Sheet.

WD 0234—GPB—30,000—13-9-37

Form of Document for Charitable Endowments.

G.F. File No. 4595 of 193 | General and Revenue Secretariat

It seems necessary therefore that power should be given (under a separate sub-para) for Government accepting deposits under these rules and also - - undertaking in specified circumstances to operate and carry out the Charitable purpose on behalf of and at the instance of the Donor. In what circumstances this is generally to be done has to be settled and laid down. The Muzrai Commissioner may also perhaps be consulted.

A. R. Ayharoon.
Comptroller.

Draft Rg. for amendment is put up. On issue, 'A' above, work, if approd, be sent D.O to the Muzrai Branch. Comptr for remarks.

The matter may be consulted U.O. as suggested by the Comptr.

Jt. Secy.

3-12-37.

For approval to the draft and for opinion re 'A' above

Muzrai Supdt.

10/3.

11.4.38.

7230
11/4

FINANCIAL BRANCH 4/14 - 8 JUNE 1938 - GENL. & REV. SECTT.

1229
Mujf.

(14

General and Revenue Secretariat | G.A. File No. 219 of 193 6 | [App. F. III—2

Serial No.

S/ Issue and submit.
SK
12.4.38.

4 Re S-973-4 & 21.4.38 to Rai Comptr, Muzrai Commr, Copy to Muzrai Branch approves of the amendment & directs that Rai Bros case be disposed of accdy.

5-1. Recd after issue.
SK MR 25/4. Muzrai Branch for opinion (Vide par. 4)
SK 25.4.38.

5-2. The Muzrai Comr. may be consulted unofficially in the matter, if approved.
SK
27.4.38.

Forwarded with compliments to the Muzrai Commissioner for favour of remarks on the point referred to in para 4 of the Memorandum of Rao Sahib Venkata Rao & Govt Pleader

No. C.1625/37-38 Encl, file.

Govermment may operate and carry out the charitable

No.C.1038/37-8
27.4.38.
C1625/38
27.4.38

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-9-37

Form of document for charitable endowments

File No. of 193 | General and Revenue Secretariat

purposes on behalf of the donor,

i) when the donor so desires;

ii) when the donor dies without leaving any heirs or legal successors, or without appointing a nominee to manage the Charities; and

iii) when the legal heirs, or other nominee, if any, appointed by the donor, so desires,

A sub para at the end of para IV of Article 209, M.C.A.C., Vol.I., reserving the right of Government to operate and carry out the charitable purposes under the above 3 conditions, may seem to be necessary.

Returned with compliments.

GENERAL SECRETARY
3 JUNE 1938

1-6-1938. Mu.Chandrasekhara
Mudrai Commissioner.

Klu

The above suggestion may be agreed to

Mu 3/6/38

Ger: Secy

The suggestions of the Mudrai Commissioner may be approved

(Sd) [illegible]

GENERAL SECRETARY
3 JUNE 1938
7259

26785/16.6.38

To the Comptroller's Office for favour of note

The Mudrai Commissioner's suggestions & proposing A & C Regns. cf. the agreement.

Sd. Jacobs

COMPTROLLER'S OFFICE
984 8/6
15 JUN 1938
BANGALORE.

16

Serial No.

No. 59 S.R dt 5.7.38.

No. 14/Spl dated 6-7-38

Returned with compliments

2. Government order No. Fl- 5973-74/G.F. 209-36-4 dated 21-4-38 approving the amendment to the Form of document required to be executed in cases -- in which interest is not payable to donors or their heirs but is drawn and spent by Government Officers, covers cases where the donors are -- alive, but desire the Charities to be managed by-Government.

(3) There are cases where the donors are dead before executing the agreements and it is for -- consideration whether agreements in such cases should not be got executed by the heirs of the deceased donors, and if there are no such heirs, by whom the same has to be got executed.

(4) I invite kind reference in this connection to Para 21 of the Notes above wherein the Law Department has also recognised the principle that "as a measure of safety an agreement from the -- donor's heirs may be taken".

(5) I also desire to bring to the notice of -- Government of cases where the surplus Funds of several temples have been invested under Endowment Scheme so as to get a higher rate of interest, and managed by Government. Whether it is necessary to get the agreements executed in such cases and if so by whom is a point for consideration. The

NOTE—Contn. Sheet.

4 1229 Mng. 69 Jung. 359 of 38

File No. of 193

General and Revenue Secretariat

Serial No.

case of Beeredevaru temple referred to in the above Government order comes under this class, and that of Kesaghattada Venkatanarasappa under the class referred to in para (3) above. But in cases of Muzrai Institutions managed by Dharmadarsis and not by Government, it seems necessary to insist upon execution of the agreement by the Dharmadarsis of the temple.

(6) I solicit orders of Government on the points raised above, and I shall arrange to issue the necessary Addenda and Corrigenda to the Account Code once for all on receipt of orders of Government re. the above points.

FINANCIAL SECRETARY 7 JULY 1938 GOVT. OF MYSORE

7-7-38

D. V. Narayana Rao
for Comptroller absent on C.L.

M.S.K.

may be sent to Asst Secy. Law, thro A/S. Muzrai, in reference to the file marked here to.

Asst. Secy., Law, W/c.
thro' Asst. Secy., Muz. W/c.

9/7/38

14.7.38

This file should have been submitted thro Asst Secy, Muz, before it was submitted to me.

For favour of Remarks.

12.8

Asst Secy Muz Dept

359/p838

1/8

General and Revenue Secretariat | File No. | of 193 | [App. F. III-2

Serial No.

(1) The question is whether legally it is necessary to get documents executed in the 2 classes of cases and about this the Law Department's advice is necessary.

(2) So far as Mrs: Wadia's case is concerned, the Bombay Trustees should be invested in Khanderao's deposits & there seems to be no need for the execution of any agreement whether the investment is managed by Govt or a Board of Khanderao's Trustees. As regards the other classes of cases also, there seems to be no need to get the document executed by the donees herein as already approved by the Govt Secretariat Law Dept

Govt Secretariat Law Dept

(3) If the donors die before executing the agreement, I do not think it is quite

NOTE—Contn. Sheet.

Serial No.

necessary to take an agreement from the heirs. The money will have already been in the custody of the Govt; and if the heirs are inclined to contest the endowment, they will not execute the agreement; and if they have no objection to the endowment, the position would not be affected either by execution or non-execution of an agreement by them.

10. Regarding the surplus funds of Mrg. Mahants, I do not think such deposits come under the rules in question which seem to relate only to cases of private gentlemen desiring to invest funds for charitable purposes. In respect of Mrg. Mahants, Govt is the chief controlling authority and Dharmadayis have merely delegated powers. It seems therefore unnecessary to take any agreement from them either.

8/8
20.8.38

Asst Secy
Fin. Dept
20/8

8/8 38
22/8

W.C. Bell

May be sent to Comptr with reference to Para 63 the proposed Act Ship so that Govt's sanction may be obtained once for all.

8/8 MA
23/8

H. Secy) 22

8/8
23.8.38.

Yes. 23

AS
22/8/38
8/8

4598 se

120

Serial No.

To the Comptr. with Compliments.

Sd.

Sk. Jaickhaeri
24.8.38.

S.L.

CONTROLLER'S OFFICE
144/Spl
25 AUG 1938
BANGALORE.

MR No. 193 Spl/20-9-38
No. 8144 S.L. 17.9.38.

Returned with compliments.

The A. & C. as proposed below is submitted for approval of Government.

Add the following as an exception under Para IV of Article 209 (Page 176-77) of M.C.A.C. Vol. I.

Exception:-

"The execution of Agreements may be dispensed with in cases where the donors are dead before executing them, and also where the Surplus Funds of the several Kuzrai Institutions are invested under this Scheme, whether they are managed by Government or by Dharmadarsees".

458 P.L. 26.8.38.

FINANCIAL SECRETARY
27 SEP 1938
GOVT OF MYSORE

M. Viraraja Urs
Comptroller.

Financial Secy.) Refer Para 73

OFFICE OF THE FIRST MEMBER OF COUNCIL
OCT 4 1938
No. 3480

The amendment of Para 77 is suitable & is to be kept applicable to the Govt Secy (Revenue)

24/9. H. Secy 79

Govt Secy (Revenue) (Offg 1st Mr)

26.9.38 3/10/38

5/10 6/10.

NOTE—Contn. Sheet.

Agreements to be executed by Charitable Endowments.

G.F. File No. 209 4598/38 of 1936.

General and Revenue Secretariat

Serial No.

Draft put up

8/x
6/x

Issue.

8/x
10.10.38.

No Je 2188-9 31.x.38 to the Complr Magistrate Comr, Copy to Magistrate Br, Approval of the Amendment as proposed above.

5-

Seen, marked with P. 1248 of 38 on 12.x.38

Appendix F G—1]

SUBJECT.....

.....

.....

Section G.P.

File No. 209 - 36

Serial No. ✓

Diary No. of letter replied to..... .....

No. 7C 7145

To

The Comptr.

Sir,

I am directed to refer to your letter No. 1893/S.d. 9 28.1.37 in the matter of endowment offered by Mr Kesaghallad Venkatadaraiappa, and to forward herewith a copy of legal opinion which answers your enquiry whether an agreement should not be obtained from the legal heirs of deceased donors.

As regards the power to dispense with the agreements required by the rules,

General and Revenue Secretariat

( )

the *193* .

Date of issue 29/5/37

Signed by K. V. Rao

Type para 2 / 4 only.

List of enclosures.....

Copied by .....

Examined by..... .....

WD 03601—GPB—30,000—23-9-35

23

I am to state that this
Rule departures from the Rules
in the Accounts Code can only be
considered by Board.

all ~~instructions~~ cases of Code are to be picked up in this connection
follow them but ~~where~~ where it is one point for consideration Treasury.
~~give an agreement contains a condition~~
the form of document — — Paras 12 & 13
VM is the — Secretary to
Examine that form with your opinion — MW 14/5 — Chief
Agree

14/5

14/5

copy to Law Section

C.F 209-36-2

To

The Comptroller to Government,

Bangalore.

Sir,

With reference to your letter No.1693/S.L. dated the 28-1-1937 in the matter of endowment offered by Mr.Kesaghattada Venkatanarasappa, I am directed to forward herewith a copy* of legal opinion which answers your enquiry whether an agreement should not be obtained from the legal heirs of deceased donors.

(* Typed Para 2 of Notes)

As regards the power to dispense with the agreements required by the rules, I am to state that all officers of Government are expected to follow them but there is one point for consideration in this connection:

The form of document to be executed by persons making deposits under the rules for Charitable Endowments (Vide Appendix XVIII McAC Appendices and Forms) consists of two portions viz.,

(i) An undertaking not to withdraw or demand the whole or any part of the said deposit, at any time; and

(ii) An undertaking to utilise the interest allowed by Government for the purpose intended, to keep proper accounts of it and render the prescribed accounts and report etc.

This form will be suitable only in cases where interest is paid to the donor himself for being utilised for the purpose for which it was intended. In the present case, where interest not paid to the donor or his heirs but paid to the Amildar of the Taluk for being spent for sevas in a Muzrai Institution, the necessity

for the second portion is not clear. It is obviously not necessary for the donor to give it as he does not draw the interest and it seems to be not necessary or usual to ask the Amildar or other Government Officer to give it, as he is our own servant and fully under our control. It is perhaps to be dispensed with altogether in such a case.

I request you to examine this point and furnish your opinion thereon.

I have &c.,

20/3/39

Financial Secretary.

COPY TO LAW SECTION.

vvk.1.

126

Order of the Muzrai Commissioner in Mysore

Reference -

This Office Order No. R.Dis 125/24-25 dated 31-12-34 24 sanctioning of an endowment in the shape of Policy No.1002791 for Rs 1,000 of the Sub Life Assurance Society of London held by Mr. Kesaghattada Venkatanarasappa of Bangalore, for the performance of certain sevas in the Sri Srikanteswaraswami temple at Nanjangud.

2. This Office order No. R.Dis 187/33-34 dated 4-4-34 sanctioning the investment of a sum of Rs 1,600/- in Charitable Deposits, out of the amount realised from the Insurance Policy after the death of the donor during 1932.

3. Letter No. H.320/36-37 dated 23-12-36 from the Deputy Commissioner, Mysore District, in the matter of payment of int[illegible] on the above Endowment Deposit.

Order No. R. Dis 112/36-37 Dated Bangalore 9-1-37

The Deputy Commissioner reports that a bill for Rs 153-9-11 on account of the arrears of interest due on the above deposi has been returned unaudited by the Comptroller for the non-execution of the Agreement prescribed under the Charitable - Endowment Rules. He recommends that as the donor is since dead, the formal execution of the Agreement in this case may waived.

2. Under the circumstances, the recommendation of the Depu Commissioner is approved.

Sd/- M.N. Anandalwar

For Muzrai Commissioner

Copy

Superintendent
Comptroller's Office

Order of the Muzrai Commissioner in Mysore

Reference -

This office Order No.R. Dis 125/24-25 dated 31st December 1924 sanctioning the acceptance of the offer of Kasaghatta Venkatanarasappa of Bangalore to endow his life Insurance Policy No.1002791 for Rs 1200/- of the Sun Life Assurance - - Society of London together with the bonus certificates issued thereon as an endowment in favour of the Sri Srikanteswaraswamy temple at Nanjangud for the conduct of certain sevas therein.

2. Correspondence ending with letter No.H. 379/32 dated 14th March 1934 from the Deputy Commissioner, Mysore District reporting that the donor Venkatanarasappa died on 4-7-1932 and that the Manager of the Sun Life Assurance Society, Calcutta has after necessary enquiry, intimated that a cheque for Rs 1602/- including the bonus would be issued and requesting sanction for crediting the amount to the Charitable Deposits when - - realised.

Order No. R. Dis 187/ 33-34 Dated Bangalore 4th April 34

The Deputy Commissioners proposal is approved. A sum of Rs 1600 may be deposited under the charitable endowment rules the balance of Rs 2/- being credited to the Seva account of the deceased donor. The Deputy Commissioner is requested to issue necessary instructions to the local officers for the regular conduct of the sevas stipulated by the donor during his life-time out of the annual interest.

Sd/- T. Ramaiya
For Muzrai Commissioner

Copy

Superintendent
Comptroller's Office.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue.....21/4/.....1938.

Signed by ..... Mr S. K. D. .....

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(vi) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section G. S.

File No. 209-38

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— Correspondence ending with note No Rev 1198/S.d 9 25.11.37 from the Comptroller submitting a draft ~~Act~~ amendment to the form of document required under Act 209 M.C.A.Rs. Vol I in connection with the Oddaraja Charitable Endowments, Pd as to Cover Cases ~~Order thereon.— No.~~ in which interest is not paid to the donor or his heirs, but is drawn & spent by Govt Officers.

Order No Re 9 Je.S 973-74 9 21-4-38.

The amendment is approved vide annexure.

The Case of Kesaghatta

Dr Secy

Typed & Issued

Dear P.

29

Venkatanarasappa & ... of ... Sri ...
Bireddevaru Temple referred to
in Comptroller's letters Nos 1893/S.A } pages 1 & 8
dy 28.1.37 and 2907 dy 18.5.37 } of notes above.
respectively may be disposed of
under Rule amendment.

8/12
3.12.37.

Recd 10/4

To the Comptr
" Mnl. Comr.
Copy to Revy. Br. ✓

8/12 MR
1/12/37

List of Enclosure

Copied by

Examined by

Reference - Form of Document to be executed in cases of Endowments (Page 200 of M.C.A.C. Vol. I Appendices and Forms)

The following Addenda and Corrigenda is proposed in respect of the above Form of Document and submitted for - - approval.

" Insert the following para below the Form of Document -

" N.B. In cases in which interest is not paid to the donor or his heirs, but is drawn and spent by -- Government through its officers, the same Form of Document as above subject to the following modifications may be got executed by the Donor.

(1) Insert the words " or any interest payable by Government on the said amount of Deposit " between the words "Rupees"..... and "at any time " in para (3) of the Form, and substitute the following "not to object to Government, or any of their officers or other person or persons duly authorised by Government in that behalf for drawing and applying the interest payable on the said amount of - deposit for the object named above " for clause (1) in para (3).

(2) Delete undertakings numbered as (2 to 4) in the present form of the document.

Proceedings of the Government of His Highness the Maharaja of Mysore.

(31)

R e a d :-

Correspondence ending with Note No.U.O. 1198/S.L. dated 25th November 1937 from the Comptroller submitting a draft amendment to the form of document required under Article 209 Mysore Civil Account Code Vol.I in connection with charitable Endowments, so as to cover cases in which interest is not paid to the donor or his heirs, but is drawn and spent by Government Officers.

O R D E R NO. Fe-5973-74/F.7-209-36-4 Sec-I

Dated, Bangalore, the 21st April 1938.

The amendment is approved. Vide annexure.

The cases of Kesaghattada Venkatanarasappa and of Sri Biredevaru Temple referred to in Comptroller's letters Nos.1893/S.L. dated 28th January 1937 and 2907 dated 18th May 1937 respectively may be disposed of under this amendment.

Sd/- S.R. Janakiramiah.

Financial Secretary to Government.

To

The Comptroller to Government.
The Muzrai Commissioner in Mysore.

mk.4

Reference - Form of Document to be executed in cases of Endowments (page 200 of M.C.A.C, Vol.I Appendices and Forms)

The following Addenda and Corrigenda ~~is proposed~~ are approved in respect of the above Form of Document. ~~and submitted for approval.~~

"Insert the following para below the Form of Document-

" N.B. In cases in which interest is not paid to the donor or his heirs, but is drawn and spent by Government through its officers, the same Form of Document as above subject to the following modifications may be got executed by the Donor.

(1) Insert the words "or any interest payable by Government on the said amount of Deposit" between the words " Rupees"..... and "at any time" in para (3) of the Form, and substitute the following" not to object to Government, or any of their officers or other person or persons duly authorised by Government in that behalf for drawing and applying the interest payable on the said amount of deposit for the object named above "for clause (1) in para (3).

(2) Delete undertakings numbered as (2 to 4) in the present form of the document.

S.R. Jamkhandi.

for S.C.

Why "on issue"..
Should not the consultation
be before issue?

Sd/
3.12.37

Subd

The proposed draft relates to the form of document to be got under certain conditions.

The consultation to be made is for future acceptance of certain classes of deposits

MR
4/12

(33)

Letter No.D2 Dis 874/36-37 dated 10-5-37 from the Muzrai Commissioner, Bangalore, to the Comptroller in Mysore Bangalore.

With reference to your Memo No. 882/S.L. dated 15th October 1936 to the Deputy Commissioner, Chitaldrug District, regarding the deposit of Rs 6,300/- out of the funds of Sri Biredevaru Temple at Davangere, Chitaldrug District, under the Charitable Endowment Rules, I have the honor to state that the Temple in question being a Muzrai Institution and the amount having been deposited under the Charitable Endowment Rules, the execution of an agreement is neither possible nor necessary. As in the case of Sri Dharmarayaswami and other Temples on whose behalf similar deposits have been made, the need for the execution of the agreement under the Rules may be waived. The half-yearly interest on the deposit may be arranged to be paid to the Taluk Amildar.

Copy

M. Narasimhachar

Superintendent
Comptroller's Office.

G. R. S. App. F VI—G 2]

(34

SUBJECT .....

.....

.....

Diary No. of letter replied to..... .....

General and Revenue Secretariat

( )

the 193 .

Date of issue ..11../10../1938.

Signed by ..Sr. S.C. J.....

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Section G.S.

File No. 209-36.

Serial No. 5

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

G.O. No. Fe 5973-74/G.S. 209-36-4 dt. 21.6.38 approving of an amendment to the form of document to be executed in Cases of Charitable Endowments, so as to cover cases in which ~~Order thereon.—No~~ is not paid to the Donor or his heirs, but is drawn & spent by Govt. Officers.

2) Correspondence ending with Note No. 2:0 8/16 S.L dt. 19.9.38 from the Comptroller forwarding for approval and sanction the following

25

amendment to Article 209
of M.C.A.C Vol I with a
view to provide for Cases where of certain types :-
~~the donors are dead before executing~~
~~Agreements~~ Add the following as an exception
under para IV of Art. 209 of M.C.A.C. Vol I —

Exception

'The execution of Agreements may
be dispensed with in Cases where the donors are
dead before executing them, & also when the surplus
funds of the several Muzrai Institutions
are invested under this scheme. Whether
they are managed by Govt or by Dharmadarsis.'''

Order No Rd 2188-89 3 11/10/38

Approved

A.R. [illegible]

[illegible]

To the Comptr. ---
Muzrai Commr.
Dy & Muzrai Br.

List of Enclosures

Copied by

Examined by

WD 0279—GPB—22,500—14-4-38

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Government Order No.Fl.5973-74/G.F.209-36-4 dated 21-4-1938, approving of an amendment to the form of document to be executed in cases of charitable Endowments, so as to cover cases in which interest is not paid to the donor or his heirs, but is drawn and spent by Government Officers.

2. Correspondence ending with Note No.U.O.814/S.L. dated 19th September 1938, from the Comptroller, forwarding for approval the following amendment to Article 209 of Mysore Civil Account Code Vol.I with a view to provide for cases of certain types:-

Add the following as an exception under para IV of Article 209 of Mysore Civil Account Code Vol.I -

Exception.- "The execution of agreements may be dispensed with in cases where the donors are dead before executing them, and also where the surplus funds of the several Muzrai Institutions are invested under this scheme, whether they are managed by Government or by Dharmadarsees".

ORDER NO. F 2188-89 (S.) 209-36-5

Dated, Bangalore, the 11th October 1938.

A p p r o v e d.

For Financial Secretary to Government.

The Comptroller to Government of Mysore.
" Muzrai Commissioner in Mysore.